

Quinn Emanuel Urquhart & Sullivan, LLP
Stephen A. Swedlow (pro hac vice application to be submitted within 45 days)
stephenswedlow@quinnemanuel.com
Amit B. Patel (pro hac vice application to be submitted within 45 days)
amitbpatel@quinnemanuel.com
500 W. Madison St., Suite 2450
Chicago, Illinois 60661
Telephone: (312) 705-7400
Facsimile: (312) 705-7401

Quinn Emanuel Urquhart & Sullivan, LLP
Arthur M. Roberts (pro hac vice application to be submitted within 45 days)
arthurroberts@quinnemanuel.com
50 California St., 22nd Floor
San Francisco, California 94111
Telephone: (415) 875-6600
Telephone: (415) 875-6600

Campbell & Williams
Donald J. Campbell, Esq. (NV Bar No. 1216)
djc@campbellandwilliams.com
J. Colby Williams, Esq. (NV Bar No. 5549)
jcw@campbellandwilliams.com
700 South Seventh Street
Las Vegas, Nevada 89101
Telephone: (702) 382-5222
Facsimile: (702) 382-0540

Attorneys for Defendants Uber Technologies, Inc. and Rasier LLC

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

BELL TRANS and WHITTLESEA BLUE
CAB COMPANY, Nevada citizens,

Plaintiffs,) Case No.

v.) **NOTICE OF REMOVAL**

RAISER LLC; UBER TECHNOLOGIES, INC. and DOES I through X.

Defendants)

1 **TO THE CLERK IN THE ABOVE-ENTITLED COURT:**

2 PLEASE TAKE NOTICE that Defendant Uber Technologies, Inc., with the consent of
 3 Defendant Rasier LLC and pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, hereby removes the
 4 action entitled *Bell Trans and Whittlesea Blue Cab Company v. Rasier, LLC, Uber Technologies,*
 5 *Inc., and Does I-X*, Case No. A-14-709098-C (the “State Action”) from the District Court of the
 6 State of Nevada for Clark County to the United States District Court for the District of Nevada. As
 7 grounds for this removal, these Defendants state as follows:

9 **Timeliness of Removal**

10 1. The State Action was filed on October 28, 2014, in the Clark County District Court.

11 2. No Defendant has been served with process for this matter to date.

12 3. That lack of service notwithstanding, the undersigned counsel for Defendants Uber
 13 Technologies, Inc. and Rasier LLC obtained a copy of the state-filed Complaint.

14 4. Pursuant to 28 U.S.C. § 1446(a), true and correct copies of all process, pleadings,
 15 and orders served upon Uber in the State Court Action are attached hereto as Exhibit A.

16 5. Defendants shall serve the instant Notice on Plaintiff and shall file a Notice of
 17 Filing of Removal with the Clark County District Court.

18 6. Defendants Uber Technologies, Inc. and Rasier LLC consent to removal of this
 19 action prior to service, reserving their right to contest insufficient process, insufficient service of
 20 process, personal jurisdiction, failure to state a claim upon which relief can be granted, forum non
 21 conveniens or improper venue, failure to join a party, and other potential grounds at the
 22 appropriate time. 28 U.S.C. 1446(b)(2).

23 7. Because no Defendant has been served with process in this matter, consent to
 24 remove from fictitious potential Defendants is not required. 28 U.S.C. 1446(b)(2)(a); *Taylor v.*
 25 *Flagstar Bank FSB*, 2011 WL 5245451, at *1 (D. Nev. Nov. 1, 2011), *citing Salveson v. Western*
 26 *States Bankcard Ass'n*, 731 F. 2d 1423 (9th Cir. 1984).

CAMPBELL & WILLIAMS
ATTORNEYS AT LAW
700 South Seventh Street, Las Vegas, Nevada 89101
Phone: 702.382.3222 • Fax: 702.382.0540
www.campbellandwilliams.com

8. This Notice of Removal is filed within thirty days of receipt of the Complaint and within one year of commencement of the State Action and is therefore timely. 28 U.S.C. § 1446.

Diversity of Citizenship

9. Pursuant to 28 U.S.C. § 1441, a civil action brought in state court may be removed to the United States District Court embracing the place where the state action is pending provided there is original jurisdiction.

10. Removal of this case is appropriate because this Court has original jurisdiction based on diversity of citizenship under 28 U.S.C. § 1332.

11. Plaintiffs are all Nevada corporations with their principal places of business in Nevada. Ex. A ¶¶ 2-3, 8. Plaintiffs accordingly are citizens of Nevada. See 28 U.S.C. § 1332(c)(1).

12. Defendant Uber is the sole member of Rasier, LLC. Defendant Uber and its wholly owned subsidiary Rasier, LLC are and have remained at all times since the Complaint was filed citizens of Delaware and California because Uber is a corporation organized under the laws of the State of Delaware with its principal place of business in San Francisco, California.

13. Fictitious Defendants Does I-X are not considered for diversity purposes. 28 U.S.C. § 1441(b)(1).

Amount in Controversy

14. This Court's jurisdiction under 28 U.S.C. § 1332 is proper because the amount in controversy, exclusive of interest and costs, is in excess of \$75,000.00. *See* 28 U.S.C. § 1332(a).

15. Plaintiffs seek in excess of \$10,000 in damages under three separate causes of action. (See Compl., ¶¶ 21, 37, 35.) They also seek treble damages and punitive damages. (See Compl., ¶¶ 22, 28, 36.) They also seek to enjoin Defendant Uber Technologies, Inc.’s business in Nevada, the revenues of which far exceed \$75,000 and which Plaintiffs allege cause an irreparable injury to Plaintiff’s business interests in which they have “invested millions.” (See Compl., ¶¶ 26,

1 34.)

2 WHEREFORE, Defendants Uber Technologies, Inc. and Rasier LLC request that the
3 above-captioned action be removed to this Court for determination of all issues, trial, and
4 judgment.

5 Dated: November 3, 2014

Respectfully submitted,
Campbell & Williams

6 By /s/ J. Colby Williams

7 Donald J. Campbell, Esq. (1216)
8 J. Colby Williams, Esq., (5549)
9 700 South Seventh Street
10 Las Vegas, Nevada 89101
11 Telephone: (702) 382-5222
12 Facsimile: (702) 382-0540

13 Quinn Emanuel Urquhart & Sullivan, LLP
14 Stephen A. Swedlow
15 Amit B. Patel
16 500 W. Madison St., Suite 2450
17 Chicago, Illinois 60661
18 Telephone: (312) 705-7400
19 Facsimile: (312) 705-7401

20 Quinn Emanuel Urquhart & Sullivan, LLP
21 Arthur M. Roberts
22 50 California St., 22nd Floor
23 San Francisco, California 94111
24 Telephone: (415) 875-6600

25 *Attorneys for Defendants Uber Technologies, Inc. and*
26 *Rasier LLC*

CAMPBELL & WILLIAMS
ATTORNEYS AT LAW
700 SOUTH SEVENTH STREET, LAS VEGAS, NEVADA 89101
Phone: 702.382.5222 • Fax: 702.382.0540
www.campbellandwilliams.com

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of Campbell & Williams, and that on the 3rd day of November, 2014, I deposited for mailing at Las Vegas, NV, a true and correct copy of the foregoing Notice of Removal in a sealed envelope, to the following counsel and that postage was fully prepaid thereon:

James J. Pisanelli, Esq.
Todd L. Bice, Esq.
Debra L. Spinelli, Esq.
Pisanelli Bice PLLC
400 South Seventh Street, Suite 300
Las Vegas, Nevada 89101
Attorneys for Plaintiffs

/s/ Lucinda Martinez

An Employee of Campbell & Williams

C A M P B E L L & W I L L I A M S
A T T O R N E Y S A T L A W
700 S O U T H S E V E N T H S T R E E T , L A S V E G A S , N E V A D A 8 9 1 0 1
Phone: 702.382.5222 • Fax: 702.382.0540
w w w . c a m p b e l l a n d w i l l i a m s . c o m

EXHIBIT “A”

EXHIBIT “A”

A - 1 4 - 7 0 9 0 9 8 - C

DISTRICT COURT CIVIL COVER SHEET

County, Nevada

X I I I

Case No:

(Assigned by Clerk's Office)

I. Party Information (provide both home and mailing addresses if different)

Plaintiff(s) (name/address/phone): BELL TRANS, a Nevada Corporation WHITTLESEA BLUE CAB COMPANY, a Nevada Corporation	Defendant(s) (name/address/phone): RAISER, LLC, a Delaware Limited Liability Company; UBER TECHNOLOGIES, INC., a Delaware Corporation
Attorney (name/address/phone): James J. Pisanelli, Esq., #4027, Pisanelli Block PLLC 400 South 7th Street, Suite 300 Las Vegas, NV 89101 702-214-2100	Attorney (name/address/phone):

II. Nature of Controversy (please select the one most applicable filing type below)

Civil Case Filing Types

Real Property	Negligence <input type="checkbox"/> Auto <input type="checkbox"/> Premises Liability <input type="checkbox"/> Other Negligence Malpractice <input type="checkbox"/> Medical/Dental <input type="checkbox"/> Legal <input type="checkbox"/> Accounting <input type="checkbox"/> Other Malpractice	Torts Other Torts <input type="checkbox"/> Product Liability <input type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Employment Tort <input type="checkbox"/> Insurance Tort <input checked="" type="checkbox"/> Other Tort
Probate (select case type and estate value)	Construction Defect & Contract Construction Defect <input type="checkbox"/> Chapter 40 <input type="checkbox"/> Other Construction Defect Contract Case <input type="checkbox"/> Uniform Commercial Code <input type="checkbox"/> Building and Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Collection of Accounts <input type="checkbox"/> Employment Contract <input type="checkbox"/> Other Contract	Judicial Review/Appeal Judicial Review <input type="checkbox"/> Foreclosure Mediation Case <input type="checkbox"/> Petition to Seal Records <input type="checkbox"/> Mental Competency Nevada State Agency Appeal <input type="checkbox"/> Department of Motor Vehicle <input type="checkbox"/> Worker's Compensation <input type="checkbox"/> Other Nevada State Agency Appeal Other <input type="checkbox"/> Appeal from Lower Court <input type="checkbox"/> Other Judicial Review/Appeal
Civil Writ	<input type="checkbox"/> Writ of Habeas Corpus <input type="checkbox"/> Writ of Mandamus <input type="checkbox"/> Writ of Quo Warrant	Other Civil Filing Other Civil Filing <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Other Civil Matters

Business Court filings should be filed using the Business Court civil coversheet.

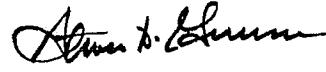
October 28, 2014

Date

Signature of initiating party or representative

See other side for family-related case filings.

Electronically Filed
10/28/2014 07:37:19 PM



CLERK OF THE COURT

1 COMP
 2 James J. Pisanelli, Esq., Bar No. 4027
 3 JJP@pisanellibice.com
 4 Todd L. Bice, Esq., Bar No. 4534
 5 TLB@pisanellibice.com
 6 Debra L. Spinelli, Esq., Bar No. 9695
 7 DLS@pisanellibice.com
 8 PISANELLI BICE PLLC
 9 400 South 7th Street, Suite 300
 10 Las Vegas, Nevada 89101
 11 Telephone: 702.214.2100
 12 Facsimile: 702.214.2101

13 Attorneys for Plaintiffs

DISTRICT COURT

CLARK COUNTY, NEVADA

10 BELL TRANS, a Nevada Corporation;
 11 WHITTLESEA BLUE CAB COMPANY, a
 12 Nevada Corporation,

Case No.: A-14-709098-C
 Dept. No.: XIII

13 Plaintiffs,
 vs.

COMPLAINT

14 RAISER, LLC, a Delaware Limited
 15 Liability Company; UBER
 16 TECHNOLOGIES, INC., a Delaware
 17 Corporation and DOES I through X,
 inclusive,

Defendants.

18 COME NOW Plaintiffs Bell Trans ("Bell Trans") and Whittlesea Blue Cab Company and
 19 for their Complaint allege as follows:

OVERVIEW

20 1. This Complaint arises from the illegal efforts of Uber to undertake business
 21 operations without complying with its obligations under Nevada law. Uber has an established
 22 track record of engaging in such conspiratorial and illegal conduct in other jurisdictions and has
 23 now transported those practices to Nevada. According to published accounts, Uber openly boasts
 24 of its illegal conduct, claiming that it is better to ask for forgiveness after the fact than make the
 25 necessary expenditures to comply with the law. Uber's established *modus operandi* is to openly
 26 violate the law by operating without appropriate licensure and compliance with safety
 27 28

PISANELLI BICE PLLC
 400 SOUTH 7TH STREET, SUITE 300
 LAS VEGAS, NEVADA 89101

1 requirements and then, later aggressively pursued a public relations campaign hoping to
 2 "negotiate" its unlawful conduct into an accepted practice. This suit seeks to expose and halt
 3 Uber's unlawful and unfair business practices.

4 PARTIES

5 2. Plaintiff Bell Trans is a Nevada corporation and has long held a Certificate of
 6 Public Convenience and Necessity which authorizes it to transport persons for a fee.

7 3. Plaintiff Whittlesea Blue Cab Company is a Nevada corporation and has long held
 8 a Certificate of Public Convenience and Necessity which authorizes it to transport persons for a
 9 fee.

10 4. Defendant Raiser, LLC is a Delaware Limited Liability Company and Defendant
 11 Uber Technologies, Inc. is a Delaware corporation. Upon information and belief, in combination
 12 or singularly, Raiser and/or Uber Technologies is doing business as "Uber" in the State of Nevada
 13 ("Uber").

14 5. The true names and capacities of the Defendants named herein as Does I
 15 through X, inclusive, are unknown to Plaintiffs at this time, and said defendants and each of them
 16 are identified by such fictitious names. Plaintiffs will advise this Court and seek leave to amend
 17 this Complaint when the names and capacities of each defendants have been ascertained.
 18 Plaintiffs allege that each defendant herein designated as a Doe is responsible in some manner for
 19 the events and happenings herein alleged.

20 JURISDICTION AND VENUE

21 6. This Court has personal jurisdiction over the claims set forth herein pursuant to
 22 NRS 14.065 on the grounds that such jurisdiction is not inconsistent with the Nevada Constitution
 23 or the United States Constitution.

24 7. Venue is proper in this Court pursuant to NRS 13.010 *et. seq.* because the material
 25 events giving rise to the claims asserted herein occurred in Clark County, Nevada.

26 COMMON ALLEGATIONS

27 8. Plaintiffs have invested millions of dollars to operate as certificated common
 28 carriers of passengers in the State of Nevada. Those well-earned certificates stem from adherence

1 to the terms of NRS Chapter 706, including but not limited to: (1) conducting regular vehicle
2 inspections and maintenance; (2) requiring drivers to be properly permitted and that they lack
3 disqualifying offenses; (3) charging rates pursuant to an established schedule approved by the
4 State; (4) operating in accordance with those published rates; and (5) maintaining adequate
5 insurance for protection of the public.

6 9. Pursuant to NRS Chapter 706, any person or operator who holds themselves out to
7 the public as willing to transport persons by vehicle from place to place for a fee is deemed to be a
8 common carrier.

9 10. The Nevada Legislature has decreed, pursuant to NRS 706.151, that it is the duty
10 of the State to regulate such carriers or any brokers of such regulated services so as to ensure
11 reasonable compensation for use of public roadways through licensing fees, to provide for fair
12 and impartial regulation and to promote safe and adequate service under sound economic
13 conditions.

14 11. Providers of transportation services as a common carrier in the State of Nevada are
15 required to obtain a business license, as well as a Certificate of Public Convenience and Necessity
16 under the provisions of NRS Chapter 706.

17 12. On August 24, 2014, Uber commenced operation and facilitation of transportation
18 services in the State of Nevada which included, but is not limited to, contracting with drivers,
19 advertising its services, and collection of fees.

20 13. Uber undertook these activities without obtaining proper licenses and certificates
21 like that which all other common and contract carriers are required to have.

22 14. Uber has made public statements confirming its own knowledge that its operations
23 in Nevada were illegal and in violation of the legal rights of other common carriers as well as the
24 public.

FIRST CAUSE OF ACTION

(Deceptive Trade Practices)

27 15. Plaintiffs restate all preceding and subsequent allegations as though fully set forth
28 herein.

16. Uber has engaged in a "deceptive trade practice" because it conducts business without all required government licenses and furthermore does so in violation of State statutes and regulations relating to the services it provides.

17. Uber further falsely represents that its services are "safer" than that of carriers who are issued a Certificate of Public Convenience and Necessity, falsely leading consumers to believe that Uber has satisfied the same rigorous standards that those applied to a certificated public carrier.

18. In truth, Uber has not adhered to those safety criteria and in no way satisfies the rigorous regulations that Nevada has imposed upon all carriers who have received a Certificate of Public Convenience and Necessity. Uber's deceptive trade practices directly harm competitors, including the Plaintiffs, by misrepresenting Uber's qualifications in the marketplace.

19. Pursuant to NRS 41.600, Plaintiffs have a private cause of action for Uber's deceptive trade practices.

20. The injury to Plaintiffs is irreparable, which entitles Plaintiffs to both temporary and permanent injunctive relief.

21. Plaintiffs have and/or will suffer damages in an amount to be proven at trial in excess of \$10,000.00.

22. Uber's conduct has been undertaken with malice and oppression thereby entitling Plaintiffs to treble damages for deceptive trade practices.

SECOND CAUSE OF ACTION

(Civil Conspiracy)

23. Plaintiffs incorporate all preceding and subsequent allegations as though fully set forth herein.

24. Uber has agreed to act in concert and conspired with others for the purpose of engaging in unfair and illegal transportation operations.

25. The purpose of this scheme and conspiracy is to make money at the expense of those who actually comply with the law, consumer safety and the State's economic welfare.

1 26. Uber has intentionally undertaken to violate the law pursuant to this scheme for the
2 purpose of advancing its own economic interests to the detriment of Plaintiffs and others who
3 have invested millions to comply with the requirements of Nevada's statutory and regulatory
4 requirements.

5 27. As a direct and proximate result of Uber's civil conspiracy, Plaintiffs have and/or
6 will suffer damages in an amount to be proven at trial in excess of \$10,000.00.

7 28. Uber's conduct has been undertaken with malice and oppression, thereby entitling
8 Plaintiffs to an award of punitive damages.

THIRD CAUSE OF ACTION

(Unfair Competition)

11 29. Plaintiffs incorporate all preceding and subsequent allegations as though fully set
12 forth herein.

13 30. Uber falsely portrays itself as operating in compliance with the law and engaging
14 in lawful competition. Its claims and portrayals are knowingly false.

15 31. Uber does not operate in compliance with the law, having failed to satisfy any of
16 its regulatory obligations. Uber has further failed to meet the minimum standards necessary to
17 conduct business in Nevada. Its failure to pay the multiple licensing fees, airport fees and related
18 amounts all adversely impact competitors and consumers because such fees support and maintain
19 Nevada's public transportation system. Uber unfairly competes by bearing none of the required
20 regulatory burdens or costs, but at the same time seeks to reap the benefits of Nevada's roadway
21 and related transportation services.

22 32. Uber unfairly competes by failing to satisfy the regulations and costs which are
23 borne by certificated carriers, including Plaintiffs.

24 33. Uber's illegal and unfair operations have a negative impact upon all licensed
25 transportation companies.

34. The injury to Plaintiffs is irreparable, which entitles Plaintiffs to both temporary
and permanent injunctive relief.

35. As a direct and proximate result of Uber's unfair competition, Plaintiffs have suffered and/or will suffer damages in an amount to be proven at trial in excess of \$10,000.00.

36. Uber's conduct has been undertaken with malice and oppression thereby entitling Plaintiffs to an award of punitive damages.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray for judgment as follows:

1. For compensatory damages in excess of Ten Thousand Dollars (\$10,000.00), in an amount to be proven at trial;

2. For punitive damages in excess of Ten Thousand Dollars (\$10,000.00), in an amount to be proven at trial;

3. For preliminary and permanent injunctive relief;

4. For pre-judgment and post-judgment interest, as permitted by law;

5. For attorneys' fees and costs of suit incurred herein, as allowed by law; and

6. For such other and further relief as this Court may deem just and proper.

DATED this 28th day of October, 2014.

DATED this 28th day of October, 2014.

PISANELLI BICE PLLC

By

James J. Pisanelli, Esq., Bar No. 4027
Todd L. Bice, Esq., Bar No. 4534
Debra L. Spinelli, Esq., Bar No. 9695
400 South 7th Street, Suite 300
Las Vegas, Nevada 89101

Attorneys for Plaintiffs

MCSD
James J. Pisanelli, Esq., Bar No. 4027
JJP@pisanellibice.com
Todd L. Bice, Esq., Bar No. 4534
TLB@pisanellibice.com
Debra L. Spinelli, Esq., Bar No. 9695
DLS@pisanellibice.com
PISANELLI BICE PLLC
400 South 7th Street, Suite 300
Las Vegas, Nevada 89101
Telephone: 702.214.2100
Facsimile: 702.214.2101

Attorneys for Bell Trans and
Whittlesea Blue Cab Company

DISTRICT COURT

CLARK COUNTY, NEVADA

STATE OF NEVADA, Nevada
Transportation Authority and Nevada
Taxicab Authority,

Plaintiffs,

**UBER TECHNOLOGIES, INC., a
Delaware Corporation,**

Defendants.

Case No.: A-14-709002
Dept. No.: III

**EMERGENCY MOTION TO
CONSOLIDATE; EX PARTE MOTION
FOR ORDER SHORTENING TIME**

Date of Hearing:

Time of Hearing:

Bell Trans and Whittlesea Blue Cab Company move this Court for an order consolidating the action commenced with the Complaint attached hereto as Exhibit A with the case styled *State of Nevada v. Uber Technologies, Inc.*, No. A-14-709002-C currently pending before this Court. Both of these actions pertain to the unlawful activities of Uber in seeking to operate a transportation service in the State of Nevada without the burdens of complying with Nevada law. Bell Trans and Whittlesea have commenced an action which arises out of the same factual events and involve common questions of law. Accordingly, consolidation of these actions is appropriate.

This Motion is made pursuant to NRCP 42(a) and EDCR 2.50, and is based upon all papers and pleadings on file, the attached Memorandum of Points and Authorities, and any oral argument that this Court wishes to entertain.

DATED this 29th day of October, 2014.

PISANELLI BICE PLLC

By:

James J. Pisanelli, Esq., Bar No. 4027
Todd L. Bice, Esq., Bar No. 4534
Debra L. Spinelli, Esq., Bar No. 9695
400 South 7th Street, Suite 300
Las Vegas, Nevada 89101

Attorneys for Bell Trans and Whittlesea
Blue Cab Company

PISANELLI BICE PLLC
400 SOUTH 7TH STREET, SUITE 300
LAS VEGAS, NEVADA 89101

ORDER SHORTENING TIME

Before this Court is the Request for an Order Shortening Time accompanied by the Declaration of counsel. Good cause appearing, the undersigned counsel will appear at Clark County Regional Justice Center, Eighth Judicial District Court, Las Vegas, Nevada, on the _____ day of _____, 2014, at _____.m., in Department III, or as soon thereafter as counsel may be heard, to bring this **PLAINTIFF'S EMERGENCY MOTION TO CONSOLIDATE** on for hearing.

DATED this 29 day of October, 2014.

DISTRICT COURT JUDGE

Respectfully submitted by:

PISANELLI BICE PLLC

By: James J. Pisanelli, Esq., Bar No. 4027
Todd L. Bice, Esq., Bar No. 4534
Debra L. Spinelli, Esq., Bar No. 9695
400 South 7th Street, Suite 300
Las Vegas, Nevada 89101

Attorneys for Bell Trans and Whittlesea
Blue Cab Company

DECLARATION OF TODD L. BICE, ESO.

I, TODD L. BICE, ESQ., being first duly sworn, state as follows:

1. I am a Shareholder with Pisanelli Bice PLLC, counsel for Bell Trans and Whittlesea Blue Cab Company, both of whom are plaintiffs in the action identified in the Complaint attached hereto as Exhibit A. At present, we do not have a case number from the Clerk of the Eighth Judicial District Court, but the Complaint has been electronically filed. I make this Declaration in support of a request for an Order Shortening Time relating to the Emergency Motion to Consolidate (the "Motion"). The facts stated herein are based upon my personal knowledge, unless stated upon information and belief.

2. On October 24, 2014, the State of Nevada commenced the action styled *State of Nevada v. Uber Technologies, Inc.*, Case No. A-14-709002-C, which is presently pending before this Court (the "First Action"). The State's action concerns attempts by Uber Technologies, Inc. ("Uber") to operate a business of transporting passengers for a fee in the State of Nevada.

3. Based upon public news reports, Uber began operating in the State of Nevada on or about October 24, 2014, but did so without a Certificate of Public Convenience and Necessity as otherwise required by the terms of NRS Chapter 706.

4. On October 28, 2014, Bell Trans and Whittlesea filed the action as outlined in the Complaint attached hereto as Exhibit A (the "Second Action").

5. Besides common defendants, the First Action and the Second Action share a common factual predicate. Both involve Uber's operations in violation of Nevada law, including its failure to satisfy the requirements of NRS Chapter 706.

6. As outlined in the Second Action, such conduct also constitutes a deceptive trade practice as prohibited by Nevada law as well as a means of unfair competition.

7. Consolidating these matters into the First Action will serve the interest of judicial economy and efficiency. And, as this Court has scheduled a hearing on a temporary restraining order and can be expected to schedule a hearing on the State's motion for preliminary injunction

1 on an expedited basis, Bell Trans and Whittlesea seek to have this motion heard on an order
2 shortening time.

3 8. I certify that this Motion is not made for any improper purpose and is the interests
4 of expediting this matter.

5 I declare under penalty of perjury under the laws of the State of Nevada that the foregoing
6 is true and correct. *[Signature]*

7 | DATED this 2 day of October, 2014.



TODD L. BICE, ESQ.

PISANELLI BICE PLLC
400 SOUTH 7TH STREET, SUITE 300
LAS VEGAS, NEVADA 89101

MEMORANDUM OF POINTS AND AUTHORITIES

Nevada Rule of Civil Procedure 42 permits the consolidation of civil actions that involve common questions of law or fact. NRCP 42(a)¹; *Marcuse v. Del Webb Communities, Inc.*, 123 Nev. 278, 286, 163 P.3d 462, 467-468 (2007). Consolidation is in the broad discretion of the court. *Id.* Reasons for granting consolidation include the avoidance of unnecessary costs or delay, as well as advancing convenience and judicial economy. *Mikulich v. Carner*, 68 Nev. 161, 169, 228 P.2d 257, 261 (1951) ("[C]onsolidation is permitted as a matter of convenience and economy in administration") (internal citation omitted).

EDCR 2.50 provides that "[m]otions for consolidation of two or more cases . . . be heard by the judge assigned to the case first commenced [and thereafter] . . . heard before the judge ordering consolidation." Consolidation of the First Action and the Second Action is appropriate here. Both directly relate to the impropriety of Uber's operations. Both complaints concern common questions of law and/or fact. Consolidation will serve to avoid unnecessary costs and delay.

DATED this 29th day of October, 2014.

~~PISANELLO BICE PLLC~~

By:

James J. Pisanelli, Esq., Bar No. 4027
Todd L. Bice, Esq., Bar No. 4534
Debra L. Spinelli, Esq., Bar No. 9695
3883 Howard Hughes Parkway, Suite 800
Las Vegas, Nevada 89169

Attorneys for Bell Trans and Whittlesea Blue Cab
Company

Rule 42(a) provides as follows:

When actions involving a common question of law or fact are pending before the court, it may order a joint hearing or trial of any or all the matters in issue in the actions; it may order all the actions consolidated; and it may make such orders concerning proceedings therein as may tend to avoid unnecessary costs or delay.

EXHIBIT A

Details of filing: *Complaint***Filed in Case Number:** New Case - (Reference ID 4182300)**E-File ID:** 6325277**Lead File Size:** 266462 bytes**Date Filed:** 2014-10-28 19:37:19.0**Case Title:** New Case - (Reference ID 4182300)**Case Name:** Bell Trans vs. Raiser, LLC**Filing Title:** Complaint**Filing Type:** EFO**Filer's Name:** Todd L. Bice**Filer's Email:** kap@pisanellibice.com**Account Name:** Pisanelli Bice**Filing Code:** COMP**Amount:** \$ 3.50**Court Fee:** \$ 270.00**Card Fee:** \$ 8.10**Payment:** Filing still processing. Payment not yet captured.**Comments:****Courtesy Copies:** kap@pisanellibice.com**Firm Name:** Pisanelli Bice PLLC**Your File Number:****Status:** Pending - (P)**Date Accepted:****Review Comments:****Reviewer:****File Stamped Copy:**

Documents:	Cover Document:	<u>Civil Cover Sheet.pdf</u>	351879 bytes
	Lead Document:	<u>Complaint.pdf</u>	266462 bytes

Data Reference ID:**Credit Card Response:** System Response: VQCCB571B629
Reference:

COMP

James J. Pisanelli, Esq., Bar No. 4027
JJP@pisanellibice.com
Todd L. Bice, Esq., Bar No. 4534
TLB@pisanellibice.com
Debra L. Spinelli, Esq., Bar No. 9695
DLS@pisanellibice.com
PISANELLI BICE PLLC
400 South 7th Street, Suite 300
Las Vegas, Nevada 89101
Telephone: 702.214.2100
Facsimile: 702.214.2101

Attorneys for Plaintiffs

DISTRICT COURT

CLARK COUNTY, NEVADA

BELL TRANS, a Nevada Corporation;
WHITTLESEA BLUE CAB COMPANY, a
Nevada Corporation.

Case No.:
Dept. No.:

Plaintiffs.

COMPLAINT

v.s.
RAISER, LLC, a Delaware Limited
Liability Company; UBER
TECHNOLOGIES, INC., a Delaware
Corporation and DOES I through X,
inclusive

Defendants.

COME NOW Plaintiffs Bell Trans ("Bell Trans") and Whittlesea Blue Cab Company and for their Complaint allege as follows:

OVERVIEW

1. This Complaint arises from the illegal efforts of Uber to undertake business operations without complying with its obligations under Nevada law. Uber has an established track record of engaging in such conspiratorial and illegal conduct in other jurisdictions and has now transported those practices to Nevada. According to published accounts, Uber openly boasts of its illegal conduct, claiming that it is better to ask for forgiveness after the fact than make the necessary expenditures to comply with the law. Uber's established *modus operandi* is to openly violate the law by operating without appropriate licensure and compliance with safety

1 requirements and then, later aggressively pursued a public relations campaign hoping to
2 "negotiate" its unlawful conduct into an accepted practice. This suit seeks to expose and halt
3 Uber's unlawful and unfair business practices.

4 **PARTIES**

5 2. Plaintiff Bell Trans is a Nevada corporation and has long held a Certificate of
6 Public Convenience and Necessity which authorizes it to transport persons for a fee.

7 3. Plaintiff Whittlesea Blue Cab Company is a Nevada corporation and has long held
8 a Certificate of Public Convenience and Necessity which authorizes it to transport persons for a
9 fee.

10 4. Defendant Raiser, LLC is a Delaware Limited Liability Company and Defendant
11 Uber Technologies, Inc. is a Delaware corporation. Upon information and belief, in combination
12 or singularly, Raiser and/or Uber Technologies is doing business as "Uber" in the State of Nevada
13 ("Uber").

14 5. The true names and capacities of the Defendants named herein as Does I
15 through X, inclusive, are unknown to Plaintiffs at this time, and said defendants and each of them
16 are identified by such fictitious names. Plaintiffs will advise this Court and seek leave to amend
17 this Complaint when the names and capacities of each defendants have been ascertained.
18 Plaintiffs allege that each defendant herein designated as a Doe is responsible in some manner for
19 the events and happenings herein alleged.

20 **JURISDICTION AND VENUE**

21 6. This Court has personal jurisdiction over the claims set forth herein pursuant to
22 NRS 14.065 on the grounds that such jurisdiction is not inconsistent with the Nevada Constitution
23 or the United States Constitution.

24 7. Venue is proper in this Court pursuant to NRS 13.010 *et. seq.* because the material
25 events giving rise to the claims asserted herein occurred in Clark County, Nevada.

26 **COMMON ALLEGATIONS**

27 8. Plaintiffs have invested millions of dollars to operate as certificated common
28 carriers of passengers in the State of Nevada. Those well-earned certificates stem from adherence

PISANELLI BICE PLLC
400 SOUTH 7TH STREET, SUITE 300
LAS VEGAS, NEVADA 89101

1 to the terms of NRS Chapter 706, including but not limited to: (1) conducting regular vehicle
2 inspections and maintenance; (2) requiring drivers to be properly permitted and that they lack
3 disqualifying offenses; (3) charging rates pursuant to an established schedule approved by the
4 State; (4) operating in accordance with those published rates; and (5) maintaining adequate
5 insurance for protection of the public.

6 9. Pursuant to NRS Chapter 706, any person or operator who holds themselves out to
7 the public as willing to transport persons by vehicle from place to place for a fee is deemed to be a
8 common carrier.

9 10. The Nevada Legislature has decreed, pursuant to NRS 706.151, that it is the duty
10 of the State to regulate such carriers or any brokers of such regulated services so as to ensure
11 reasonable compensation for use of public roadways through licensing fees, to provide for fair
12 and impartial regulation and to promote safe and adequate service under sound economic
13 conditions.

14 11. Providers of transportation services as a common carrier in the State of Nevada are
15 required to obtain a business license, as well as a Certificate of Public Convenience and Necessity
16 under the provisions of NRS Chapter 706.

17 12. On August 24, 2014, Uber commenced operation and facilitation of transportation
18 services in the State of Nevada which included, but is not limited to, contracting with drivers,
19 advertising its services, and collection of fees.

20 13. Uber undertook these activities without obtaining proper licenses and certificates
21 like that which all other common and contract carriers are required to have.

22 14. Uber has made public statements confirming its own knowledge that its operations
23 in Nevada were illegal and in violation of the legal rights of other common carriers as well as the
24 public.

25 **FIRST CAUSE OF ACTION**

26 **(Deceptive Trade Practices)**

27 15. Plaintiffs restate all preceding and subsequent allegations as though fully set forth
28 herein.

1 16. Uber has engaged in a "deceptive trade practice" because it conducts business
2 without all required government licenses and furthermore does so in violation of State statutes and
3 regulations relating to the services it provides.

4 17. Uber further falsely represents that its services are "safer" than that of carriers who
5 are issued a Certificate of Public Convenience and Necessity, falsely leading consumers to believe
6 that Uber has satisfied the same rigorous standards that those applied to a certificated public
7 carrier.

8 18. In truth, Uber has not adhered to those safety criteria and in no way satisfies the
9 rigorous regulations that Nevada has imposed upon all carriers who have received a Certificate of
10 Public Convenience and Necessity. Uber's deceptive trade practices directly harm competitors,
11 including the Plaintiffs, by misrepresenting Uber's qualifications in the marketplace.

12 19. Pursuant to NRS 41.600, Plaintiffs have a private cause of action for Uber's
13 deceptive trade practices.

14 20. The injury to Plaintiffs is irreparable, which entitles Plaintiffs to both temporary
15 and permanent injunctive relief.

16 21. Plaintiffs have and/or will suffer damages in an amount to be proven at trial in
17 excess of \$10,000.00.

18 22. Uber's conduct has been undertaken with malice and oppression thereby entitling
19 Plaintiffs to treble damages for deceptive trade practices.

SECOND CAUSE OF ACTION

(Civil Conspiracy)

22 | 23. Plaintiffs incorporate all preceding and subsequent allegations as though fully set
23 forth herein.

24 24. Uber has agreed to act in concert and conspired with others for the purpose of
25 engaging in unfair and illegal transportation operations.

26 25. The purpose of this scheme and conspiracy is to make money at the expense of
27 those who actually comply with the law, consumer safety and the State's economic welfare.

1 26. Uber has intentionally undertaken to violate the law pursuant to this scheme for the
2 purpose of advancing its own economic interests to the detriment of Plaintiffs and others who
3 have invested millions to comply with the requirements of Nevada's statutory and regulatory
4 requirements.

5 27. As a direct and proximate result of Uber's civil conspiracy, Plaintiffs have and/or
6 will suffer damages in an amount to be proven at trial in excess of \$10,000.00.

7 28. Uber's conduct has been undertaken with malice and oppression, thereby entitling
8 Plaintiffs to an award of punitive damages.

THIRD CAUSE OF ACTION

(Unfair Competition)

11 29. Plaintiffs incorporate all preceding and subsequent allegations as though fully set
12 forth herein.

13 30. Uber falsely portrays itself as operating in compliance with the law and engaging
14 in lawful competition. Its claims and portrayals are knowingly false.

15 31. Uber does not operate in compliance with the law, having failed to satisfy any of
16 its regulatory obligations. Uber has further failed to meet the minimum standards necessary to
17 conduct business in Nevada. Its failure to pay the multiple licensing fees, airport fees and related
18 amounts all adversely impact competitors and consumers because such fees support and maintain
19 Nevada's public transportation system. Uber unfairly competes by bearing none of the required
20 regulatory burdens or costs, but at the same time seeks to reap the benefits of Nevada's roadway
21 and related transportation services.

22 32. Uber unfairly competes by failing to satisfy the regulations and costs which are
23 borne by certificated carriers, including Plaintiffs.

33. Uber's illegal and unfair operations have a negative impact upon all licensed
transportation companies.

26 34. The injury to Plaintiffs is irreparable, which entitles Plaintiffs to both temporary
27 and permanent injunctive relief.

1 35. As a direct and proximate result of Uber's unfair competition, Plaintiffs have
2 suffered and/or will suffer damages in an amount to be proven at trial in excess of \$10,000.00.

3 36. Uber's conduct has been undertaken with malice and oppression thereby entitling
4 Plaintiffs to an award of punitive damages.

PRAYER FOR RELIEF

6 WHEREFORE, Plaintiffs pray for judgment as follows:

7 1. For compensatory damages in excess of Ten Thousand Dollars (\$10,000.00), in an
8 amount to be proven at trial;

9 2. For punitive damages in excess of Ten Thousand Dollars (\$10,000.00), in an
10 amount to be proven at trial;

11 3. For preliminary and permanent injunctive relief;

12 4. For pre-judgment and post-judgment interest, as permitted by law;

5. For attorneys' fees and costs of suit incurred herein, as allowed by law; and

14 6. For such other and further relief as this Court may deem just and proper.

DATED this 28th day of October, 2014.

DATED this 28th day of October, 2014.

PISANELLI BICE PLLC

By: _____

James J. Pisanelli, Esq., Bar No. 4027
Todd L. Bice, Esq., Bar No. 4534
Debra L. Spinelli, Esq., Bar No. 9695
400 South 7th Street, Suite 300
Las Vegas, Nevada 89101

Attorneys for Plaintiffs